

REMARKS

Claims 1-6 are now pending in this application for which applicants seek reconsideration.

Amendment

Claims 1-5 have been amended to remove the "means-plus-function" language to place the application in better form for appeal. Moreover, allowable claim 5/1 has been placed in independent form. New claim 6 corresponding to claim 2 has been added. No new matter has been introduced.

Allowable Claim

Claim 5 was indicated to be allowable if it is placed in independent form. As this claim now has been placed independent form, it is now in condition for allowance, along with new depending claim 6.

Art Rejection

Claims 1-4 were rejected under 35 U.S.C. § 102(b) as anticipated by Yamamuro (USP 4,589,071). Applicants traverse the art rejection because Yamamuro would not have disclosed or taught at least the claimed transmission controller set forth in independent claim 1.

Specifically, independent claim 1 calls for a transmission controller configured to limit the shift-actuator operating speed to prevent slippage of the V-belt when 1) the detected speed is less than a first predetermined speed, 2) it detects a downshift, and 3) the engine is not idle, as set forth in independent claim 1.

In the Final rejection, although the examiner admits that Yamamuro fails to disclose limiting slippage of the V-belt, the examiner asserts that Yamamuro device is "capable" of performing that function without providing any support. According to the examiner, because Yamamuro is capable of performing the claimed function, Yamamuro anticipates claim 1. Applicants disagree at least for the following reasons.

First, there is no enabling disclosure anywhere in Yamamuro for preventing slippage of the V-belt, let alone carrying out in the manner as set forth in claim 1. In this respect, appellants requested the examiner to explain how Yamamuro would prevent belt slippage. The examiner has yet to explain how Yamamuro's controller 300 would control the V-belt slippage. Note that Yamamuro is completely silent regarding any belt slippage.

Second, claim 1 calls for more than simply limiting slippage of the V-belt. Indeed, claim 1 calls for limiting the shift-actuator operating speed upon meeting the three conditions noted

above. Note that claim 1 calls for all three identified conditions to exist to limit the shift-actuator operating speed.

Third, the claimed transmission controller is a structural device that limits the shift-actuator operating speed to prevent slippage of the V-belt when all three conditions as set forth in claim 1 are met. Applicants submit that Yamamuro simply has no corresponding controller.

Conclusion

Applicants submit that claims 1-6 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE

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